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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 SANDRA REYES, individually and on behalf
of a class of similarly situated individuals,

12
13 *Plaintiff,*

14 vs.

15 JINGLE NETWORKS, INC., a Delaware
corporation, and LIMBO, INC., a Delaware
16 corporation

17 *Defendants.*

Nos. CV 09-01208 CRB
CV 09-01232 CRB

**PLAINTIFF'S MOTION FOR
VOLUNTARY DISMISSAL OF CASE CV
09-01232 CRB PURSUANT TO PRIOR
STIPULATION FOR VOLUNTARY
DISMISSAL AND PRIOR DISMISSAL OF
RELATED CASE**

Judge: Hon. Charles R. Breyer

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19 This case was originally filed in the Superior Court of the State of California, County of
20 San Mateo on February 11, 2009.

21 On March 19, 2009, defendant Jingle Networks Inc. removed the case to the US District
22 Court for the Northern District, and the case was assigned case number CV 09-01208 CRB.

23 Apparently not knowing that the case had been removed, the next day, on March 20, 2009,
24 defendant Limbo, Inc. filed a subsequent notice of removal. This second removal resulted in the
25 case number CV 09-01232 CRB (the two cases were deemed related and assigned to this Court on
26 April 21, 2009). Other than the separate case numbers, the two cases are actually the "same case"
in that they are both the result of removal from the same San Mateo Superior Court case.

1 The parties subsequently filed a “Stipulation to Voluntarily Dismiss Complaint With
2 Prejudice Pursuant to M-Qube, Inc.” showing Case CV 09-01208 CRB in the caption. This
3 resulted in the dismissal of that case number.

4 However, because the Stipulation to Voluntarily Dismiss only bore case number CV 09-
5 01208 CRB, the Court only dismissed that action and case CV 09-01232 still remains active on the
6 docket. Plaintiff wishes to dismiss action CV 09-01232 on the same grounds and pursuant to the
7 same Stipulation to Voluntarily Dismiss which was previously filed. A copy of the Stipulation to
8 Voluntarily Dismiss is attached as Exhibit A for the Court’s reference.

9 Plaintiff respectfully requests that the Court dismiss the Complaint with prejudice in case
10 CV 09-01232 without a hearing as provided in the Stipulation to Voluntarily Dismiss, on the same
11 grounds that case CV 09-01208 was dismissed.

Respectfully submitted,

12 Dated: February 16, 2010

Edelson McGuire LLP

By: /s/ Sean Reis.

SEAN REIS

One of the Attorneys for Sandra Reyes,
individually and on behalf of a class of
similarly situated individuals

17 **IT IS SO ORDERED THAT CASE CV 09-01232 IS DISMISSED WITH PREJUDICE.**

19 Dated:

20 _____
21 Honorable Charles R. Breyer

CERTIFICATE OF SERVICE

I, Sean Reis, an attorney, certify that on February 16, 2010, I served the above and foregoing **PLAINTIFF'S MOTION FOR VOLUNTARY DISMISSAL OF CASE CV 09-01232 CRB PURSUANT TO PRIOR STIPULATION FOR VOLUNTARY DISMISSAL AND PRIOR DISMISSAL OF RELATED CASE**, by causing true and accurate copies of such paper to be filed and transmitted to the persons shown below via the Court's CM/ECF electronic filing system.

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/s/ Sean Reis